

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

v.

Isaac Enrique Guillen-Rodriguez

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

Citizen of Mexico

No. 08-15571-001M-SD

USM#: 75342-208

DOB: 1972

Richard L. Juarez (AFPD)
Attorney for Defendant

ICE#: A85 626 913

THE DEFENDANT ENTERED A PLEA OF guilty on 4/3/2008 to Count TWO of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Attempted Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **FIFTEEN (15) DAYS** on Count TWO, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted **FINE: \$** **RESTITUTION: \$**

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons. The defendant is remanded to the custody of the United States Marshal.

08-15571-001M-SD

USA vs. Isaac Enrique Guillen-Rodriguez

Date of Imposition of Sentence: **Thursday, April 3, 2008**

Date 4/3/2008

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution
designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By: _____

United States Marshal
08-15571-001M-SD -

Deputy Marshal

DATE: 4/3/2008CASE NUMBER: 08-15571-001M-SD**PLEA/SENTENCING MINUTES**USA vs. Isaac Enrique Guillen-RodriguezU.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BKU.S. Attorney _____ INTERPRETER REQ'D Ricardo GonzalezAttorney for Defendant Richard L. Juarez (AFPD)DEFENDANT: PRESENT NOT PRESENT RELEASED CUSTODY

DOA _____

Financial Afdvt taken Complaint Filed Appointment of counsel hearing held

Initial Appearance No Financial Afdvt taken Financial Afdvt sealed

DETENTION HEARING: Held Cont'd Reset UA

Set for: before:

Defendant ordered temporarily detained in the custody of the United States Marshal

Defendant ordered released (see order setting cond of rel) Bail set at \$ _____

Defendant continued detained pending trial Flight Risk Danger

PLEA HEARING: Held Cont'd Reset

Set for: before:

Consent to be tried by a Magistrate Judge signed Class A Misd Class B Misd Class C Misd

Consent of Defendant Information filed _____ Complaint filed _____

Defendant sworn and examined by the Court Plea of Guilty Not Guilty Entered to Counts TWO

Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.

Plea of Guilty entered as to Ct(s) TWO of the Information Indictment Complaint

Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.

Plea agreement: Lodged Filed Sealed

Court does not accept defendant's plea of guilty because _____

PSI ORDERED EXPEDITED PSI waived Time waived for passage of sentence

Continued for sentence to _____ before _____

To be dismissed upon entry of the judgment, Ct(s) ONE

ORDER vacate trial date/motion hearing/mtns moot

ORDER defendant remain released pending sentence remanded to USM

SENTENCING:

Defendant committed to Bureau of Prisons for a period of 15 DAYS Probation/Supervised Release for _____

Special Assessment \$ REMITTED Fine \$ _____ Restitution \$ _____

Other: _____

RECORDED: CSBY: Angela J. Tuohy, Deputy Clerk

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5

6 IN THE UNITED STATES DISTRICT COURT

7 *Southern*
FOR THE DISTRICT OF ~~ARIZONA~~ *California* of

8
9 United States of America,
10 Plaintiff,

11 vs.

12 *Isaac Enrique Gallegos-Rodriguez*
13 Defendant.

14 } CASE NUMBER *08-15571M-SO*

15 } WAIVER OF REMOVAL HEARING

16 I waive my right to have a Removal Hearing and agree that my case may be
17 adjudicated in the *Southern* ~~Arizona~~ *California*. *NY*

18
19 DATED this 3 day of April, 2008.

20
21
22
23
Defendant *GB*

24
25
26
27
28 Attorney for the Defendant *MB*

DATE: 3/31/2008CASE NUMBER: 08-02223M-P-001USA vs. Isaac Enrique Guillen-RodriguezU.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BKA.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE SpanishAttorney for Defendant Richard L. Juarez (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: PRESENT NOT PRESENT CUSTODYDOA 3/28/08 Initial Appearance Appointment of counsel hearing held
 Financial Afdvt taken Defendant Sworn Financial Afdvt sealed
 Rule 5(c)(3) Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.**DETENTION HEARING:** Held Con't Submitted Reset

Set for:

Before:

 Defendant ordered temporarily detained in the custody of the United States Marshal
 Defendant ordered released _____
 Defendant continued detained pending trial
 Flight risk Danger**IDENTITY HEARING:** Held Con't Submitted Reset Waived

Set for:

Before:

 Warrant of removal issued.**PRELIMINARY HEARING:** Held Con't Submitted Reset Waived

Set for:

Before:

 Probable cause found Dismissed
 Held to answer before District Court**STATUS HEARING: re: Plea and Sentence** Held Con't ResetSet for: 4/3/08 at 1:00 p.m.Before: Magistrate Judge IrwinOther: Defense counsel orally moves for a continuance. The Government has no objection. IT IS ORDERED
granting said Motion.Recorded by Courtsmart (Status: 2 Min)
BY: Jocelyn M. Arviso
Deputy Clerk

UNITED STATES DISTRICT COURT
Southern DISTRICT OF ARIZONA CALIFORNIA

15571 M-SD

UNITED STATES OF AMERICA, } Magistrate Case No. 08-2223 MP
Plaintiff, } COMPLAINT FOR VIOLATION OF
V } Count I
Isaac Enrique GUILLEN-Rodriguez } Title 18, United States Code, Section 1546
A085626913 } Fraud and misuse of visas, permits, and
DOB: 1972 } other documents (Felony).
Citizen of Mexico }
Defendant } Count II
 } Title 8, United States Code, Section 1325
 } Attempted Illegal Entry (Misdemeanor)
)

The undersigned complainant being duly sworn states:

COUNT I

That on or about, March 28, 2008, at Yuma, County, in the District of Arizona, the Defendant Isaac Enrique GUILLEN-Rodriguez, an alien, did knowingly and willfully use or attempt to use a document prescribed by statute and regulation for Entry into or as Evidence of Stay or Authorized Employment in the United States, namely an I-551, Resident Alien Card bearing the name of Isaac Enrique GUILLEN-Rodriguez, for purposes of employment in the United States, which the Defendant knew was forged, counterfeited, altered, falsely made or otherwise procured by fraud or unlawfully obtained; in violation of Title 18, United States Code, Section 1546, a Felony.

COUNT II

That on or about, March 26, 2008, at the Andrade Port of Entry, in Imperial County, within the District of California, the Defendant Isaac Enrique GUILLEN-Rodriguez, an alien, did knowingly and intentionally attempt to enter the United States by willfully false and misleading representations, in violation of Title 8 United States Code, Section 1325, a Misdemeanor.

1
2 UNITED STATES OF AMERICA
3

4 V.
5

6 Isaac Enrique GUILLEN-Rodriguez
7 A085626913
8

9 And the complainant further states that this complaint is based on the attached Statement
10 of Facts incorporated herein by reference.
11

12 Authorized by: AUSA Bret Alexander
13

14 *Bret Alexander*

15 *Arturo Curiel*
16 Signature of Complainant
17 Arturo J. Curiel
18 Special Agent, DHS/ICE
19

20 Sworn to before me and subscribed in my presence,
21

22 March 31, 2008
23 Date

24 at

25 Yuma, Arizona
26 City and State

27 Jay R. Irwin, U.S. Magistrate Judge
28 Name & Title of Judicial Officer

29 *Jay R. Irwin*
Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

On March 26, 2008, Immigration and Customs Enforcement (ICE) Special Agent(s) from the Assistant Special Agent in Charge (ASAC) Yuma, Arizona Office, received information from Office personnel of the Gowan Milling Company stating that one of their employees by the name of Isaac E. GUILLEN-Rodriguez was working for their Company with a Social Security Number #601-46-3467. The Department of Economic Security advised company personnel that the above-mentioned Social Security Number belongs to an individual name Adam Neuner.

Special Agent (SA) Curiel checked GUILLEN'S name using the TECS II System and learned that Isaac Enrique GUILLEN-Rodriguez with a date of birth 11/28/72 had a valid USA B1/B2 VISA/BCC, Document #MXT000199375 (GUILLEN'S photograph was printed out).

On March 27, 2008, SA Curiel obtained copies of GUILLEN'S personnel folder from Company personnel. Looking at the copies, a copy of an I-551, Resident Alien Card A#092-128-952 bearing the name of Isaac Enrique GUILLEN-Rodriguez with a date of birth 11/28/1972 was found. Looking at the photograph on GUILLEN'S valid USA B1/B2 VISA/BCC, SA Curiel was able to clearly determine that GUILLEN was the same person in the photograph on the I-551 that he presented to his employer.

Later, SA Curiel using the Central Index System (CIS), checked Alien Registration Number (A#), that was printed on the I-551 Resident Alien Card that GUILLEN provided to his employer and it was learned that the above mentioned A# had been previously issued to Aristeo PALACIOS-Santa Maria, Citizen of Mexico.

1 At this point, SA Curiel had reason to believe, due to the above-mentioned facts,
2 that the I-551 and Social Security Card that GUILLEN provided to his employer
3 were, in fact, forgeries.

4
5 During a post-Miranda interview, GUILLEN admitted having knowledge that the I-
6 551 and the Social Security Card that he provided to his employer were fraudulent.
7 GUILLEN admitted paying \$150.00 Dollars for both the I-551 and the Social
8 Security Card to an individual known to him as "ARTURO LNU" in Algodones Baja
9 California, Mexico.

10
11 GUILLEN admitted the last time he entered the United States from the Republic of
12 Mexico was by using his validly issued USA B1/B2 VISA/BCC, through the
13 Andrade, California Port of Entry on March 26, 2008. SA Curiel asked GUILLEN
14 what was the purpose for entering the United States on the above-specified date;
15 he stated that he had to be at work at 7:00 P.M. that evening. SA Curiel checked
16 GUILLEN'S crossings using the TECS II System and it revealed that GUILLEN
17 entered the United States from Mexico through the Andrade Port of Entry on March
18 26, 2008.

19
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21
22

Signature of Complainant
Arturo J. Curiel
Special Agent, DHS/ICE

23 Sworn to before me and subscribed in my presence,

24 March 31, 2008

25 Date

at

26 Yuma, Arizona

27 City and State

28 Jay R. Irwin, U.S. Magistrate

29 Name & Title of Judicial Officer

Signature of Judicial Officer

Probable Cause Statement

I, Arturo J. Curiel declare under penalty of perjury, the following is true and correct:

On March 26, 2008, Immigration and Customs Enforcement (ICE) Special Agent(s) from the Assistant Special Agent in Charge (ASAC) Yuma, Arizona Office, received information from Office personnel of the Gowan Milling Company stating that one of their employees by the name of Isaac E. GUILLEN-Rodriguez was working for their Company with a Social Security Number #601-46-3467. The Department of Economic Security advised company personnel that the above-mentioned Social Security Number belongs to an individual name Adam Neuner.

Special Agent (SA) Curiel checked GUILLEN'S name using the TECS II System and learned that Isaac Enrique GUILLEN-Rodriguez with a date of birth 11/28/72 had a valid USA B1/B2 VISA/BCC, Document #MXT000199375 (GUILLEN'S photograph was printed out).

On March 27, 2008, SA Curiel obtained copies of GUILLEN'S personnel folder from Company personnel. Looking at the copies, a copy of an I-551, Resident Alien Card A#092-128-952 bearing the name of Isaac Enrique GUILLEN-Rodriguez with a date of birth 11/28/1972 was found. Looking at the photograph on GUILLEN'S valid USA B1/B2 VISA/BCC, SA Curiel was able to clearly determine that GUILLEN was the same person in the photograph on the I-551 that he presented to his employer.

Later, SA Curiel using the Central Index System (CIS), checked Alien Registration Number (A#), that was printed on the I-551 Resident Alien Card that GUILLEN provided to his employer and it was learned that the above

mentioned A# had been previously issued to Aristeo PALACIOS-Santa Maria, Citizen of Mexico.

At this point, SA Curiel had reason to believe, due to the above-mentioned facts, that the I-551 and Social Security Card that GUILLEN provided to his employer were, in fact, forgeries.

During a post-Miranda interview, GUILLEN admitted having knowledge that the I-551 and the Social Security Card that he provided to his employer were fraudulent. GUILLEN admitted paying \$150.00 Dollars for both the I-551 and the Social Security Card to an individual known to him as "ARTURO LNU" in Algodones Baja California, Mexico.

GUILLEN admitted the last time he entered the United States from the Republic of Mexico was by using his validly issued USA B1/B2 VISA/BCC, through the Andrade, California Port of Entry on March 26, 2008. SA Curiel asked GUILLEN what was the purpose for entering the United States on the above-specified date; he stated that he had to be at work at 7:00 P.M. that evening. SA Curiel checked GUILLEN'S crossings using the TECS II System and it revealed that GUILLEN entered the United States from Mexico through the Andrade Port of Entry on March 26, 2008.

Executed on: Date March 28, 2008 Time: 7:10 A.M.

Signed:



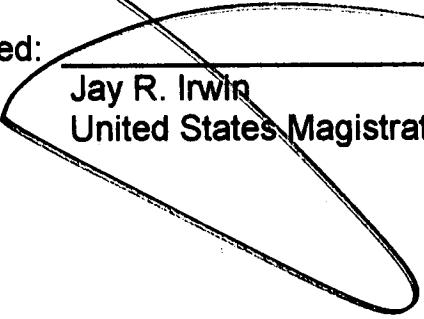
Arturo J. Curiel
Special Agent -- DHS/ICE

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of 3 page(s), I find probable cause to believe tha the defendant(s) named therein committed the offence on the date March 28, 2008 in violation of Title 18, United States Code Sections 1546 and Title 8, United States Code Section 1325.

Finding Made on: Date 3/29/08 Time 3:02 pm
4/5/08 11:12 am

Signed: _____


Jay R. Irwin
United States Magistrate Judge